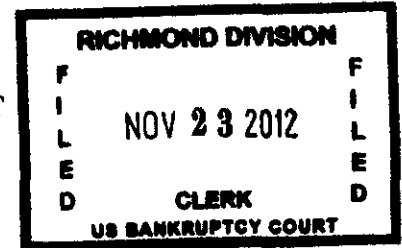


IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



In re: \_\_\_\_\_ : Chapter 11  
:   
CIRCUIT CITY STORES, INC., et al., : Case No. 08-35653-KRH  
:   
Debtors. : (Jointly Administered)  
:   
\_\_\_\_\_ :

**RESPONSE TO OBJECTION REDUCE, DISALLOW, INVALIDATE CLAIM**

Claimant Marciniszyn objects to the Motion,

**LIQUIDATING TRUST'S SIXTY-SECOND OMNIBUS OBJECTION TO  
CLAIMS: DISALLOWANCE OF CERTAIN INVALID SCHEDULED CLAIMS AND  
REDUCTION OF CERTAIN PARTIALLY INVALID SCHEDULED CLAIMS**

However, Claimant Marciniszyn is revising his earlier claim, voluntarily reducing the amount claimed, after reviewing his records in response to this Objection and explains as follows:

1. Claimant Marciniszyn currently lives in a Commonwealth State (Connecticut). The original claims against Circuit City was tried and litigated in a Commonwealth State (Pennsylvania). This bankruptcy is being presided over in a Commonwealth State (Virginia). Full faith and Credit of Claims should easily carry over from one Commonwealth to another Commonwealth.
2. Claimant Marciniszyn's claim dates back to October 6, 1993 when Marciniszyn filed suit against First North American National Bank and Circuit City (see **Exhibit C1**). Claimant asserts that he precedes all other claims unless another claim dates back prior to 1993. (Businesses may have been doing business with Circuit City prior to 1993 but Claimant doubts that any business carried open balances with Circuit City since 1993. This Claimant has had an open, unpaid balance since 1993. Claimant also asserts that having a Court ordered Judgment, the claim carries equal weight as

secured debt and should take priority over unsecured debtors. Claimant is an individual and suffers greater damage and loss than a corporation who have other streams of revenue and tax credits available as a business that as an individual, Claimant does not have.

3. To avoid any confusion regarding Marciniszyn's stated claim, Marciniszyn did win a verdict in the amount of \$699.07 against First North American National Bank, a Circuit City owned and operated bank. In 2004 Circuit City sold its ownership of the bank to Bank One, which is now "Chase Bank". Claimant Marciniszyn is not claiming this amount with this bankruptcy court because the claim can be satisfied by the current owner, JP Morgan Chase Bank. Because of this, the Claimant is reducing the amount claimed with this bankruptcy court.
4. The small claims court in the Commonwealth of Pennsylvania ruled only on the credit card issue but not against the store itself. Marciniszyn filed an Appeal with the Court of Common Pleas, West Chester Pennsylvania, Commonwealth of Pennsylvania, on January 13, 1994. Circuit City was represented by counsel at the time. On June 7, 1994 the Court of Common Pleas entered Judgment against Circuit City in the amount of \$1,243.63 (see **Exhibit C2**) plus costs and mailing fees giving a grand total of \$1,533.04.
5. Claimant revised his claim with this Court to be \$1,533.04, not the originally claimed \$2,232.11. Claimant was able to locate additional files and apologizes to this court. Claimant prays the Court will understand that these records date back almost 20 years ago. The Claimant states that neither judgment (First North American National Bank) nor Circuit City have ever been settled. This Bankruptcy Court is the last ever

chance to settle any portion of the Circuit City debt owed this Claimant. If this court requires certified copies, Claimant requests an extension of time to obtain them, as the Claimant will need to travel from Connecticut to Pennsylvania and request the Court of Common Pleas pull these records from storage, if they are still kept on file.

Claimant is not an attorney and has been advised by attorneys that the cost to hire an attorney would exceed the value of the claim. This obvious paradox of the system should not preclude the Claimant from a fair and equitable voice. The Claimant is at a significant disadvantage facing teams of attorneys, but the claims made by the Claimant are just as valid, serious and have the same merit as others making claims who can afford teams of attorneys.

The Claimant prays for equitable and fair consideration and remedy even though Claimant lacks a working knowledge of the Bankruptcy Law.

THE CLAIMANT

BY 

David Marciniszy  
Pro se for the Claimant  
633 Willow Street  
Waterbury, CT 06710  
Case No.: 08-35653

**ORDER**

The foregoing MOTION having been considered, is hereby ORDERED:

GRANTED/DENIED

BY THE COURT

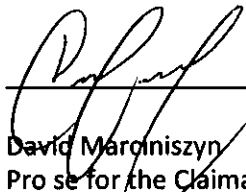
\_\_\_\_\_  
JUDGE / CLERK

**CERTIFICATION**

This is to certify that a copy of the foregoing has been mailed, <sup>FED EX</sup> ~~postage prepaid, by first~~  
~~class Certified Return Receipt~~ mail on November 20, 2012, to the following:

Jeffrey N. Pomerantz, Esq.  
Andrew W. Caine, Esq.  
(admitted pro hac vice)  
PACHULSKI STANG ZIEHL & JONES LLP  
10100 Santa Monica Boulevard  
Los Angeles, California 90067-4100

Lynn L. Tavenner, Esq. (VA Bar No. 30083)  
Paula S. Beran, Esq. (VA Bar No. 34679)  
TAVENNER & BERAN, PLC  
20 North Eighth Street, 2<sup>nd</sup> Floor  
Richmond Virginia 23219

  
\_\_\_\_\_  
David Maroniszyn  
Pro se for the Claimant  
633 Willow Street  
Waterbury, CT 06710  
Case No.: 08-35653

ORIGIN ID: OXCA (203) 402-1706  
PERKIN ELMER HEALTH SCIENCES INC  
710 BRIDGEPORT AVE

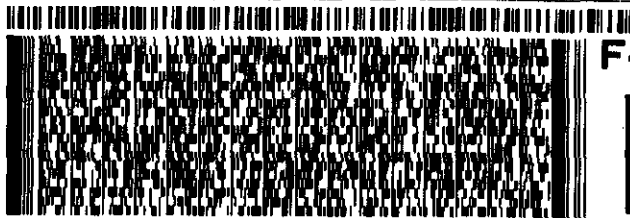
SHELTON, CT 06484  
UNITED STATES US

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BILL SENDER

TO JEFFREY N POMERANTZ  
PACHULSKI STANG ZIEHL & JONES LLP  
10100 SANTA MONICA BOULEVARD

LOS ANGELES CA 90067  
(310) 277-6910 REF: 4US100245  
DEPT: CREDIT AND COLLECTIONS



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Express



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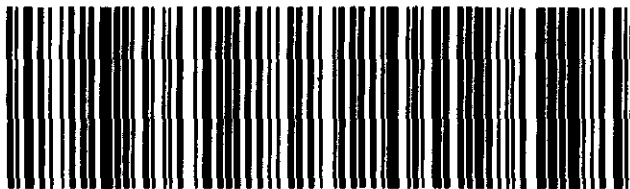
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STANDARD OVERNIGHT

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CA-US LAX



ORIGIN ID: OXCA (203) 402-1706  
PERKIN ELMER HEALTH SCIENCES INC  
710 BRIDGEPORT AVE

SHELTON, CT 06484  
UNITED STATES US

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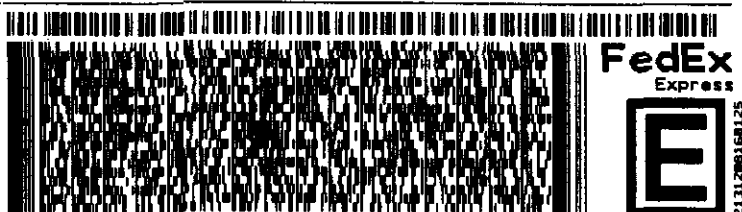
BILL SENDER

LYNN L TAVENNER  
TAVENNER & BERAN PLC  
20 NORTH EIGHTH STREET 2ND FLR

RICHMOND VA 23219

REF: 4US100245

DEPT: CREDIT AND COLLECTIONS



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Express



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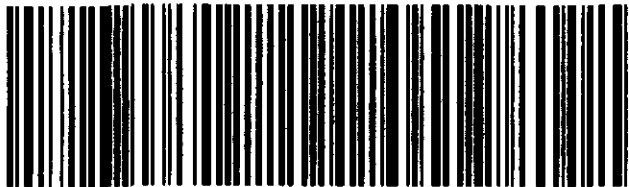
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STANDARD OVERNIGHT

NB GVEA

23219  
VA-US RIC



RECEIPT

COUNTY OF CHESTER  
MAGISTERIAL DISTRICT COURT

991865

10-6-93  
DATE

DOCKET NUMBER

CODE

STATE COST CODE

FINE/BAIL

CTY COST

STATE COST

EMS

CAT

VICTIMS COMP

RESTITUTION

CONSTABLE COST

POSTAGE

PARTIAL PYMNT  
(X)

FINAL PYMNT  
(X)

DISPOSITION  
(see below: A, C, D, H, etc.)

46.08  
TOTAL

MARCINISZYN, DAVID  
NAME (25 SPACES)

PAYOR

CITATION NBR

SEC & SUB (M V ONLY)

CHARGE (23 SPACES)

OTN NUMBER

LICENSE NUMBER

PLATE NUMBER

CIVIL SUIT TO BE FILED

F.N. AM. BANK

CIRCUIT CITY

MEMORANDUM ONLY

RECEIVED BY (Signature)

*J. Bailey*

CUSTOMER

Form No. 29—Praecipe for Judgment

FILED  
In the Court of Common Pleas of Chester County, Pa.  
94 JUN -7 AM 8:33

PLAINTIFF

DAVID MARCINISZYN

408 WEST 2ND AVE

PARKESBURG, Pa. 19365

DEFENDANT

CIRCUIT CITY CORP. OFFICE

P.O. Box 85045

LOUISVILLE, KY. 40285-5045

Of \_\_\_\_\_ term \_\_\_\_\_ 19\_\_\_\_ No. \_\_\_\_\_

See Appearance Docket No. 94-00316

page \_\_\_\_\_

The Prothonotary will please enter Judgment in the above case by Default for want of

~~STEREO \$1,243.63, DECISION REVERSED FROM LOWER COURT IN MY FAVOR \$699.07~~ <sup>an answer</sup> ~~\$2232.11~~ ①

~~COURT COSTS: DISTRICT LEVEL \$46.08, COMMON PLEAS \$68.25 CERT. FILING FEES \$4.08~~ ②

~~ATTORNEY FEES \$170.00~~ ③ against the Defendant and assess the damages as per statement below  
(MISS DOCUMENTATION FEE \$10.00)

*David Marcinyszyn* Attorney for Plaintiff

I hereby certify that written notice of the intention to file this Praecipe was mailed or delivered to the party against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten days prior to the date of the filing of this Praecipe. A copy of said notice is attached hereto.

To

Prothonotary

Attorney for Plaintiff

AND NOW \_\_\_\_\_ 19\_\_\_\_, Judgment entered in favor of the Plaintiff and against the Defendant by default for want of \_\_\_\_\_

and damages assessed at the sum of ~~Two Thousand Dollars two hundred thirty-two dollars~~ <sup>One Thousand two hundred forty-three dollars</sup> and ~~eleven cents sixty-three cents~~ <sup>sixty-three cents</sup> Dollars (\$ ~~2232.11~~ <sup>1243.63</sup>), as per above statement. ④

100

*Liz Rickard*

Prothonotary